IN THE HIGH COURT OF PUNJAB AND HARYRNA AT CHANDIGARH

C.O.C.P. No.868 of 2005
Date of Decision:- 09.10.2006

Smt.Kamaljit Kaur ....Petitioner

through
Mr.Sudhir Nar, Advocate.

vs.

Smt.Tejinder Kaur & ors. ....Respondents

through
Mr.G.S.Cheema, Sr.DAG, Punjab

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT

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SURYA KANT, J.

The petitioner's husband (late Surjit Singh) joined as a Laboratory Attendant in Sacred Heart School at Khanna on 25.10.1971. He unfortunately expired on 1.2.1990. The aforementioned school is covered under the Grant-in-aid scheme of the State Government. However, the pensionary benefits were not admissible to the employees of such schools till the Punjab Privately Managed Recognised Aided Schools Retirement Benefit Scheme, 1992 came into force retrospectively with effect from 10.2.1987.

As the husband of the petitioner died after the aforementioned scheme came into force with effect from 10.2.1987, the petitioner became entitled for the grant of family pension under the said scheme. But the same was not granted to her. This compelled the petitioner to approach this Court by way of C.W.P.No.12960 of 1997 which was allowed on 24.7.2003 in terms of order dated 8.7.2002 passed in C.W.P.No.1627 of 1999. Needless to say, as a result of the aforesaid order, the petitioner became entitled for

the family pension.

The aforesaid order dated 24.7.2003 passed by this Court was, however, not implemented by the respondents which led to the filing of this contempt petition.

In response to the show cause notice, an affidavit has been filed by Shri Yashpaul Mehra, District Education Officer (S), Ludhiana-respondent No.3. It is averred in the affidavit that the order dated 24.7.2003 passed by this Court has been complied with as necessary payment order has been issued on 18.11.2005 (Annexure R1).

Learned counsel for the petitioner though does not dispute the fact that pension has since been granted to the petitioner, however, he points out that the arrears thereof have not been paid till date. Shri Cheema, learned Sr.DAG, Punjab, on instructions from the official present in Court, does not dispute this fact. He, however, contends that the petitioner was earlier getting family pension from the Regional Provident Fund Commissioner, Ludhiana as is mentioned in the PPO (Annexure R-1), therefore, the arrears only to the extent of difference in the two pensions can be paid to her.

After hearing learned counsel for the parties and having regard to the fact that the directions issued by this Court have been substantially complied with but at the same time keeping in view the fact that unexplainable delay has been caused by the respondents in complying with the order dated July 24, 2003, this petition is disposed of with a direction that the difference in the arrears of family pension, if any, shall be paid to the petitioner within a period of three months. The petitioner shall also be entitled to simple interest at the rate of 6% per annum from 1.10.2003 till

the actual realisation of such arrears.

Rule discharged.

October 09, 2006 **(SURYA KANT)**
poonam **JUDGE**